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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF WASHINGTON

10 STEVE C. MILLER, a single man

11 Plaintiff,

12 v.

13
14 NATIONWIDE DEBT RECOVERY
15 SERVICE, INC., a Washington based
16 corporation,
17 Defendant.

} No. CV-09-001-JLQ

} DEFENDANT'S ANSWER
}
}
}
}
}

16 * * *

17
18 THE ABOVE NAMED DEFENDANT NATIONWIDE DEBT RECOVERY
19 SERVICE INC. IN ANSWER TO THE AMENDED COMPLAINT STATES:
20

21 I

22 1.1 This defendant admits that Plaintiff alleges that this is an action for actual and
23 statutory damages brought by Plaintiff, Steven C. Miller, against Defendant,
24 Nationwide Debt Recovery service, Inc., for violation of the Fair Debt
25 Collection Practices Act but denies any other averment contained in "I
INTRODUCTION".

DECLARATION OF COUNSEL FOR PLAINTIFF RE CLASS
CERTIFICATION

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II

2.1 This defendant admits the averments contained in "II, JURISDICTION" and paragraphs "4", "5", "6", "11" and "13", of the complaint.

III

3.1 This defendant is without sufficient information to form a belief about the truth or falsity of the averments contained in paragraphs "3", "12", "16", "17", and "18" of the complaint and therefore deny the same.

IV

4.1 The plaintiff fails to identify any time period in his averments in paragraphs "7" and "8" and therefore this defendant is without sufficient information to form a belief about the truth or falsity of the averments contained in paragraphs "7" and "8" of the complaint and therefore deny the same.

4.2 This defendant denies the averments contained in paragraphs "9", "20", and "21" of the complaint.

4.3 This defendant admits that Plaintiff was issued a citation numbered "71762" from Gonzaga University Campus Security but denies any other averments contained in paragraphs "10", of the complaint.

4.4 This defendant admits that it sent a collection letter to one "Steven Miller" seeking payment for the citation, but denies any other averments contained in paragraph "14" of the complaint.

1 4.5 This defendant admits that an account was paid in the amount of \$40.00 but
 2 is without sufficient information to form a belief about the truth or falsity of
 3 the other averments contained in paragraph "15" of the complaint and therefore
 4 deny the same.

5 V.

6 5.1 This defendant admits and denies the averments contained in paragraph "19"
 7 consistent with the responses contained herein.

8 VI

9 AFFIRMATIVE DEFENSES

10 6.1 Plaintiff's complaint fails to state a claim upon which relief may be granted
 11 against this defendant.

12 6.2 This defendant denies that the plaintiff was injured as the result of any action
 13 or omission undertaken by this defendant.

14 6.3 That any injury suffered by the plaintiff was a direct and proximate result of his
 15 own failure to act or omission or that of his attorney, his son;

16 6.4 Plaintiff's claims are barred by the doctrines of adjudication, bono fide error,
 17 statute of limitation, good faith interpretation, laches, estoppel, failure to
 18 mitigate, failure to add necessary party, failure to establish damages, and *Clark*
 19 *v. Capital Credit and Collection Services, Inc.* 460 F.3d 1162 (9th Cir. 2006)
 20 and *Reichert v. National Credit*, 531 F.3d 1002 (9th Cir. 2008).

21 6,5 That the plaintiff's attorney Kirk Miller was the driver of the vehicle that
 22 received the citation; that Kirk Miller failed to notify the University that he had
 23 a permit for parking; that Kirk Miller failed to mitigate any damages by failing
 24 to notify the university and that the plaintiff's complaint calls into question the
 25 basis of the underlying debt, a penalty for the citation issued to the vehicle;

6.6 This defendant hereby gives notice that it intends to rely upon such other defenses as may become available or apparent during discovery proceedings or as may be raised or asserted by any defendant in this case. This defendant reserves the right to amend its answer and to further assert other affirmative defenses.

WHEREFORE, HAVING FULLY ANSWERED PLAINTIFF'S COMPLAINT AND HAVING ASSERTED AFFIRMATIVE DEFENSES THIS DEFENDANT PRAYS AS FOLLOWS:

- A. That the court dismiss the plaintiff's complaint with prejudice and that he take nothing; and
- B. That this defendant recover all costs including attorneys fees pursuant to Section 1692 k of the FDCPA.

/S/MICHAEL J. BEYER

MICHAEL J. BEYER 9109

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 24, 2009, I electronically filed the foregoing with the Clerk of the Court and Attorney Kirk Miller located at 209 E. Sprague Ave. Spokane Washington 99202 using the CM/ECF system and further certify that there were no non CM/ECF parties.

Dated this 24th day of February, 2009.

/S/MICHAEL J. BEYER
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